

# EXHIBIT D



**THE PORT AUTHORITY OF NY & NJ**

AI 40-2.15

Office of the Executive Director

Revised: September 14, 1993

## **IMPOUNDED VEHICLES**

### **I. Introduction**

- A. The purpose of this Administrative Instruction is to serve as a guide to facility managers in taking action when the impoundment of motor vehicles at Port Authority facilities becomes necessary.
- B. Specific procedures regarding the disposition of impounded vehicles are maintained at each facility police command.

### **II. Definitions**

#### **A. Abandoned Vehicles**

An abandoned vehicle is defined as any vehicle left on Port Authority property without license plates; any vehicle left unattended for such a period of time that it interferes significantly with the operation of an active public or restricted roadway at any facility; any vehicle left unattended for an extended period of time in an area where unauthorized parking is expressly prohibited; any vehicle left without authorization for a period in excess of twenty-four (24) hours in any public parking area not controlled by meters or parking regulations, or for a period of thirty (30) days when parked in a pay lot operated by the Port Authority or its designated agent, or when a vehicle is left unattended in a controlled public area beyond allowable time limits as judged by the facility manager or a designated representative.

#### **B. Vehicles Involved in Criminal Activity**

Vehicles involved in criminal activity are defined as vehicles that are stolen and listed in a police alarm, used in the commission of a crime such as vehicular homicide, robbery, transporting of contraband, etc.

#### **C. Derelict Vehicles**

Derelict vehicles are vehicles that have been severely stripped or vandalized and are of little or no monetary value but not necessarily abandoned by the owner.

### III. Instructions

#### Impoundment

- A. A vehicle may be impounded (taken and held in custody for safekeeping) if it is on Port Authority property and the vehicle is: reasonably believed to be abandoned as defined in Paragraph II.A., above; reasonably believed to be directly involved in a crime; reasonably believed to be a derelict vehicle; involved in an accident where there is a fatality or a potential fatality; immobile because the driver or any designated licensed passenger is incapable of driving or if the driver is arrested or is unlicensed and arrangements cannot be made for a licensed operator designated by the owner to remove the vehicle that same day.
- B. Vehicles which are disabled on Port Authority property due to a malfunction or an accident should not be impounded if the driver or a passenger designated by the driver is capable of seeing to its removal by a local towing service within a reasonable amount of time as determined by a representative of facility management. Influencing the choice of a particular towing service by any Port Authority employee is prohibited. (See AI 20-1.15, Code of Ethics and Financial Disclosure.)
- C. The Port Authority shall make all reasonable efforts to locate the owners of these vehicles and return them in a manner consistent with appropriate federal, state and local laws, and ordinances.
- D. The Port Authority shall dispose of a vehicle in a manner consistent with the appropriate federal, state and municipal laws, after all reasonable effort to locate the rightful owner of a vehicle taken into custody has failed or the Port Authority has been advised that the owner does not wish to claim the vehicle.

### IV. Responsibilities

- A. The facility manager, in cooperation with the facility police commanding officer, is responsible for developing operating and control procedures based on this Administrative Instruction statement modified to meet facility lease agreements, and federal, state and local laws and ordinances.
- B. The Revenue Accounting Division of the Comptroller's Department is responsible for verifying that reports received on fees related to the impounding and disposal of impounded vehicles agree with actual deposits made.

- C. The Director of the Public Safety Department is responsible for reviewing periodically the activities of Port Authority police in the impounding and the disposal of vehicles in the impounded vehicles program.
- D. The Law Department is responsible for determining if it is advisable to dispose of specific impounded vehicles.
- E. The Purchase and Supply Services Division of the General Services Department is responsible for the sale of impounded vehicles recommended for disposal by facility management and the Law Department.

**DISCLAIMER**

Although issued in revised format, the information contained in these Administrative Instructions (AIs) reflects the content of previously issued Administrative Policy Statements (APs) and, in certain limited instances, Port Authority Instructions (PAIs). The rules set forth in these AIs will remain in effect until changing conditions require their revision. This body of instructions is not intended to be exhaustive with respect to all the responsibilities of employees and it does not constitute a contract. These AIs will be updated from time to time to reflect changes or additions as appropriate, at the direction of the Executive Director.